

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 2014-415 JAP

PHILIP MADDELENI and ANTHONY CHEUN,

Defendants.

**UNOPPOSED JOINT MOTION  
TO EXTEND TIME TO FILE MOTIONS AND TO CONTINUE TRIAL**

**COME NOW** the Defendants PHILIP MADDELENI and ANTHONY CHEUN, by and through their attorneys JOHN F. ROBBENHAAR and DANIEL J. TALLON, and move the Court to extend the time to file motions until Tuesday, April 8, 2014 and to continue the current April 7, 2014 trial date to the May 2014 trial calendar. As grounds for this motion, counsels state:

1. Defendants were arrested on January 30, 2014. This indictment was returned on February 12, 2014. The Defendants were arraigned February 19, 2014 on the indictment. Both defendants remain in custody.

2. Counsels were provided with discovery materials on February 27, 2014. The current motions deadline is March 11, 2014. The current trial date is April 7, 2014.

3. Plea offers were extended to each Defendant on February 28, 2014. Negotiations towards dispositions of the cases are ongoing. Therefore, it is requested that the motions deadline be extended to Tuesday, April 8, 2014.

4. Defense counsels may need additional time to retain an investigator, to perform legal research, and will need additional time to file motions, if necessary.

5. The Defendants understand and agree that, with reference to 18 U.S.C. Section 3161(h)(7)(A), granting the relief sought by this motion is in each of their interests; is not contrary to the public interest; and that the ends of justice are served by granting their requests. Counsels believe that the ends of justice served by continuing the April 7, 2014 trial in this cause outweigh the best interests of the public and each defendant's legal interests.

6. On March 11, 2014, Assistant United States Attorney William J. Pflugrath informed defense counsel Daniel J. Tallon that the United States does not oppose the relief sought by this motion.

7. On March 11, 2014, John F. Robbenhaar, attorney for Philip Maddaleni, informed defense counsel Daniel J. Tallon that he does not oppose the relief sought by this motion.

**WHEREFORE**, the Defendants request that the Court grant an extension of time to Tuesday, April 8, 2014 to file motions; make an order continuing the April 7, 2014 trial to the May 2014 trial calendar; and grant such other relief as to the Court deems just and proper.

Respectfully submitted,

Electronically Filed on March 11, 2014

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Respectfully submitted,

**Approved by e-mail March 11, 2014**

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Daniel J. Tallon hereby certifies that a copy of the foregoing was electronically filed and thereby also delivered by electronic means to Assistant U.S. Attorney William J. Pflugrath and all counsel of record on the 11th day of March 2014 .

*Daniel J. Tallon*

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